



Gerard P. Fox  
[gfox@gerardfoxlaw.com](mailto:gfox@gerardfoxlaw.com)

August 12, 2021

**VIA CM/ECF**

Honorable Mary Kay Vyskocil  
United States District Court  
Southern district of New York  
500 Pearl Street, Room 2230  
New York, NY 10007

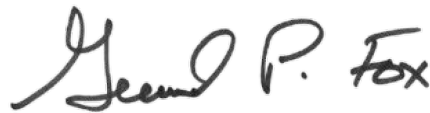
**Re: *Goureau et al. v. Lemonis et al.*, Case No.: 1-20-cv-04691-MKV**

Honorable Judge Vyskocil,

Plaintiffs are reluctant to take Your Honor's valuable time with any further letter exchange, but Defendants' latest communication (Dkt. No. 63) leaves Plaintiffs with no choice, since there now has been an accusation of falsity made as a matter of public record. Before Defendants' counsel make such blatantly inaccurate accusations in open court, Plaintiffs propose that they speak to their clients' *other* legal counsel, Mr. Douglas B. Wexler, who communicated to the undersigned counsel Defendants' instruction to implement a "ceasefire in all litigation" relating to *the Profit*—**and particularly "cease" all such litigation where Mr. Lemonis and his related entities are defendants, which includes the case at bar.** Attached is the undersigned counsel's sworn declaration attesting to the communication at issue and including a written confirmation thereof. In fact, the undersigned counsel has been working with Mr. Douglas Wexler under his client's pending instruction to stay all related litigation, and Mr. Douglas Wexler has personally appeared as recently as three days ago to confirm his client's desire to stay a related litigation in Illinois state court.

Apparently, there has been a change of heart in Defendants' camp, emboldened by Judge Oetken's decision, which is not only based on outdated information (and will thus be challenged shortly on that and other grounds) but also does not deal with the particular allegations pending at bar. As Plaintiffs have already advised Your Honor (Dkt. No. 62), they intend to move for leave to amend to update the allegations pending here with the results of the massive investigation conducted to date; as such, any ruling on the pending motions would be an unnecessary waste of judicial resources.

Respectfully submitted,

A handwritten signature in black ink, reading "Gerard P. Fox". The signature is written in a cursive, flowing style.

Gerard P. Fox

Enclosure

cc: Michael D. Wexler, Seyfarth Shaw LLP (via ECF)  
Jesse M. Coleman, Seyfarth Shaw LLP (via ECF)  
Owen R. Wolfe, Seyfarth Shaw LLP (via ECF)  
Jonathan L. Segal, Davis Wright Tremaine LLP (via ECF)  
Samuel Bayard, Davis Wright Tremaine LLP (via ECF)